

5/027/047



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT FILLMORE FIELD OFFICE

35 East 500 North  
Fillmore, UT 84631



In Reply Refer to:  
3800  
(U-010)  
UTU-070718

April 11, 2003

CERTIFIED MAIL #7001 1940 0004 6456 0298  
RETURN RECEIPT REQUESTED

### DECISION

DOMINIC ROMANDETTA :  
27634 COTTONWOOD AVE. : 43 CFR 3809  
MORENO VALLEY CA 92337 : SURFACE MANAGEMENT

### Notice Expired Inspection Required

Robert Wilson filed Notice UTU-070718, with this office on October 6, 1993. The Surface Management Regulations, 43 CFR 3809.333, require that an operator wishing to extend his/her notice which was on file as of January 20, 2001, notify the BLM in writing on or before the expiration date, January 20, 2003, and meet the financial guarantee requirements of 43 CFR 3809.503.

Notice UTU-070718 expired on January 20, 2003, since we did not receive written notification from Robert Wilson to extend the notice in accordance with 43 CFR 3809.333. All operations, except reclamation, are unauthorized and must immediately cease. Since we cannot locate Robert Wilson, we are contacting you and the other claimants; Christopher Clark, Claudia Clark, Constance Clark, Frank Clark, Louise Romandetta, Rhonda Romandetta, Rick Romandetta, A.M. Wilson, and H. W. Wilson, that we can locate to inform you that, in accordance with BLM policy, the claimant is ultimately responsible for any outstanding liabilities on the claim (this policy was upheld by the Interior Board of Land Appeals decision *CHARLES S. STOLL* (137 IBLA 116 [1996])). This policy has been incorporated into § 3809.116 of the regulations that became effective on December 31, 2001 (copy enclosed). Thus, you must contact Sheri Wysong of my staff at (435) 743-3124 within 30 days of receipt of this letter to arrange a joint field inspection of Robert Wilson's notice. The purpose of this joint inspection is to review the reclamation standards of the expired notice. The reclamation standards and schedule will be finalized to allow reclamation to commence as soon as feasible.

Your reclamation obligation continues beyond the expiration of the notice until such time as BLM determines that reclamation is satisfactorily completed. Failure to begin reclamation promptly or to

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DIV. OF OIL, GAS & MINING



conduct reclamation to BLM specified standards is subject to the enforcement actions specified in 43 CFR 3809.601 to 43 CFR 3809.701.

If you wish to resume operations you may postpone reclamation if you file either a new notice pursuant to 43 CFR 3809.301 or a plan of operations pursuant to 43 CFR 3809.401 within 30 days from receipt of this decision. The performance standards outlined in 43 CFR 3809.420 and the financial guarantee requirements outlined in 43 CFR 3809.500, et seq., applies to both notices and plans. The new notice must be accepted or the new plan of operations must be approved and a financial guarantee accepted prior to any additional earth disturbing activities occurring at this site. If the newly submitted new notice is not accepted or the new plan of operations is not approved or you do not timely post the appropriate financial guarantee as requested for either a notice or a plan of operations, you must begin reclamation within 30 days of BLM's decision finding that the new notice or plan of operations or financial guarantee is incomplete or unacceptable.

If you do not agree with, and are adversely affected by, this order, you have the right to request review by the Utah State Director (SD), of the BLM, in accordance with 43 CFR 3809.800. If you exercise this right, your request, accompanied by a brief written statement explaining why we should change our decision and any documents that support your written statement must be filed in writing within 30 days after you receive this decision. The envelope should be marked "State Director Review" and sent to the following address:

BUREAU OF LAND MANAGEMENT  
UTAH STATE OFFICE  
PO BOX 45155  
SLC UT 84145-0155

You should include a telephone or fax number by which the SD can contact you. If the SD does not make a decision within 21 days on whether to accept your request for review, you should consider your request declined, and you may appeal this decision to the Office of Hearings and Appeals (OHA). You may also appeal to OHA if the SD's decision is adverse to you. You must file a notice of appeal to this office within 30 calendar days of the date you receive the SD's decision or decision not to review.

You may also bypass the State Director review, and appeal directly to OHA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office within 30 days of receipt of this decision. You have the burden of showing that the decision appealed from is in error.

If you wish to file a petition to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals (Board), the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Board, and to the appropriate Office of the Solicitor (see 43 CFR 4.412) at the same time



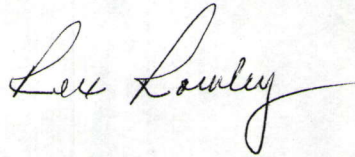
the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As mandated in 43 CFR 3809.808 this decision will remain in full force and effect during review and appeal unless a written request for a stay is granted.



Enclosure

43 CFR 3809 Regulations  
Form 1842-1

cc: Tom Munson, UDOGM (S/027/047)  
Frank Clark, PO Box 814, Newport Beach, CA 92661